

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

BENNIE AUSTIN MACK, JR.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:08CV753
	)	
JAMES R. WOODALL, JR., et al.,	)	
	)	
Defendants.	)	

**ORDER**

The Recommendation of the United States Magistrate Judge [Doc. #3] was filed with the court in accordance with 28 U.S.C. § 636(b) and, on October 28, 2008, was served on the parties in this action. On November 12, 2008, Plaintiff filed objections to the Recommendation. [Doc. # 6].

The court has now reviewed the portions of the Magistrate Judge's Recommendation to which objection was made and has made a de novo determination that is in accord with the Recommendation. The court therefore adopts the Magistrate Judge's Recommendation in full.

**IT IS THEREFORE ORDERED** that this action is DISMISSED sua sponte without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects cited in the Recommendation.

This is the 21<sup>st</sup> day of May, 2010.

/s/ N. Carlton Tilley, Jr.  
Senior United State District Judge